

REMARKS

In the instant application, claims 12 - 38 have been amended to conform to U.S. patent claim practice. Support for the amended claims 12 - 38 can be found in the original 72 claims in the PCT application filed on April 3, 2003 and claims 12 - 38 in the preliminary amendment received by the Office's Mail Room on October 3, 2005.

In the restriction requirement dated October 10, 2007, the Examiner required restriction under 35 U.S.C. §121 and §372 to one of the following two groups of claims:

Group I: claims 1-11, drawn to a composition comprising geranium oil and extracts from the root of *Sophora tonkinensis*.

Group II: claims 12-38, drawn to the use of a composition for the treatment of bone marrow suppression resulting from one or more cancer treatment.

The Examiner required Applicants to elect either the composition claims, claims 1-11, or the use claims, claims 12-38, for consideration in one application. Office Action Page 2. Solely to facilitate prosecution and without prejudice or disclaimer, Applicants provisionally elect Group I, encompassing claims 1-11. Moreover, with respect to claims 9-11, Applicants also elect the alleged "species" corresponding to *Pelargonium roseum* of claim 10. Applicants make these elections with traverse for the reason set forth below.

The M.P.E.P. provides, "If the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." M.P.E.P. § 803 at 800-4 (8th ed. rev. 4, October 2005). There can be no serious burden to search all pending claims 1-38 because they all pertain to the same or corresponding composition. Claim


1 and claim 12 relate to the same composition comprising geranium oil and extractions from roots of *Sophora tonkinensis*. Claims 13, 14, 15, and 16 relate to the corresponding compounds in geranium oil(citronellol, geraniol, geranyl formate, citronellyl formate, linalool, trans-rose oxide, cis-rose oxide) and *Sophora tonkinensis* (matrine, oxymatrine, sophocarpine), as shown on Figure 1 and paragraph [0022] of the originally filed application, for the treatment of bone marrow suppression. Therefore search of these compositions and their treatment for bone marrow suppression would overlap, and there can be no serious burden. Therefore, Applicants respectfully request examination of both groups.

Please charge any required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 

Anna Y. Tsang
Reg. No. 48,003